

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

TERRI PAIGE RILEY

PLAINTIFF

V.

NO. 3:09CV674HTW-LRA

BLUE CROSS & BLUE SHIELD OF MISSISSIPPI
and THE ELECTRIC POWER ASSOCIATION OF
MISSISSIPPI GROUP BENEFITS TRUST

DEFENDANTS

MOTION OF THE ELECTRIC POWER ASSOCIATIONS
OF MISSISSIPPI GROUP BENEFITS TRUST PLAN
FOR SUMMARY JUDGMENT

NOW COMES The Electric Power Associations of Mississippi Group Benefits Trust Plan, one of the Defendants herein, and, pursuant to Rule 56 of the *Federal Rules of Civil Procedure*, moves for judgment in its favor on the grounds that from the relevant pleadings and the administrative record [Doc. 29], there exists no genuine issue of material fact respecting this Defendant's liability to the Plaintiff and, accordingly, the Plaintiff's complaint against it should be dismissed, with prejudice.

In support of this motion, this Defendant relies on and incorporates by reference the administrative record concerning the denial of benefits for the Plaintiff, which was filed of record in this case on October 19, 2010, as **Document 29**, inclusive of records designated as "BC 00001 through BC 00751."

Additional arguments and authorities are advanced in this Defendant's accompanying memorandum of authorities submitted in support hereof.

WHEREFORE, PREMISES CONSIDERED, The Electric Power Associations of Mississippi Group Benefits Trust Plan prays that summary judgment be entered in

its favor and against the Plaintiff in regards to all claims and for all damages or other relief prayed for in this cause.

RESPECTFULLY SUBMITTED, this, the 2nd day of November, 2010.

/s/ Bradley F. Hathaway

BRADLEY F. HATHAWAY, MSB #10203

Counsel for The Electric Power

Associations of Mississippi Group

Benefits Trust Plan

OF COUNSEL:

TIMOTHY M. PEEPLES - MSB #100103
DANIEL, COKER, HORTON & BELL, P.A.
265 NORTH LAMAR BLVD., SUITE R.
POST OFFICE BOX 1396
OXFORD, MISSISSIPPI 38655-1396
(662) 232-8979

BRADLEY HATHAWAY- MSB # 10203
CAMPBELL DELONG, LLP
923 WASHINGTON AVE.
POST OFFICE BOX 1856
GREENVILLE, MS 38702-1856
(662) 335-6011
bhathaway@campbelldelongllp.com

CERTIFICATE

I, hereby certify that on November 2, 2010, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to counsel who have electronically registered with the Court, and I hereby certify that I have mailed by United States Postal Service the document to the non-ECF participants. The following is a list of all counsel of record or parties regardless whether electronically notified by the Court or sent via United States Postal Service by this firm:

Grady L. McCool, III, Esq.
T.C.G. & McCool, PLLC
120 North Congress Street, Suite 220
Jackson, MS 39201
Counsel for Plaintiff

Jeffrey D. Knight, Esq.
P.O. Box 584
Jackson, MS 39205
Counsel for Plaintiff

Cheri D. Green, Esq.
Karen E. Howell, Esq.
Brunini, Grantham, Grower & Hewes, PLLC
P. O. Drawer 119
Jackson, MS 39201
Counsel for Blue Cross & Blue Shield of Mississippi

Timothy M. Peebles, Esq.
Daniel Coker Horton & Bell, P.A.
P.O. Box 1396
Oxford, MS 38655-1396
*Co-Counsel for The Electric Power Associations of
Mississippi Group Benefits Trust Plan*

/s/ Bradley F. Hathaway